

**John A. Bennett**, OSB #750407  
E-mail: [john.bennett@bullivant.com](mailto:john.bennett@bullivant.com)  
BULLIVANT HOUSER BAILEY PC  
300 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204-2089  
Telephone: 503.228.6351  
Facsimile: 503.295.0915  
Attorneys for Defendants Liberty Mutual  
Insurance Co. and Safeco Insurance Company of  
America

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

WINDSOR WINDOW COMPANY and  
WOODGRAIN MILLWORK, INC.,

Plaintiffs,

v.

ALEA NORTH AMERICAN INSURANCE  
COMPANY, ARCH SPECIALTY  
INSURANCE COMPANY, COLUMBIA  
CASUALTY COMPANY, HARTFORD  
FIRE INSURANCE COMPANY, LIBERTY  
MUTUAL INSURANCE COMPANY,  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURG, PA.,  
SAFECO INSURANCE COMPANY OF  
AMERICA, STARR INDEMNITY AND  
LIABILITY COMPANY, TECHNOLOGY  
INSURANCE COMPANY, INC., WESCO  
INSURANCE COMPANY, AND ZURICH  
AMERICAN INSURANCE COMPANY,

Defendants.

Civil No.: \_\_\_\_\_

**NOTICE OF REMOVAL**

**Bullivant|Houser|Bailey PC**

300 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204-2089  
Telephone: 503.228.6351

**NOTICE OF REMOVAL**

**Page 1**

TO: Clerk of the Court,  
AND TO: Windsor Window Company and Woodgrain Millwork, Inc.  
AND TO: Michael Farnell and Paul Mockford, Parsons Farnell & Grein, LLP, Attorneys  
for Plaintiff

PLEASE TAKE NOTICE that under 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Liberty Mutual Insurance Company and Defendant Safeco Insurance Company of America (collectively “Liberty”) remove to this Court the state court action described below. In support of this Notice of Removal, Liberty states as follows:

1. On December 15, 2016, Plaintiffs Windsor Window Company and Woodgrain Millwork, Inc. (“Plaintiffs”) filed an action in the Circuit Court of the state of Oregon for the County of Multnomah captioned *Windsor Window Company and Woodgrain Millwork, Inc. v. Alea North American Insurance Company et al.*, Case No. 16CV41455 (the “State Court Action”).

2. Liberty was served with the Summons and Complaint in the State Court Action on December 19, 2016. This removal petition is timely, in that it is being filed within 30 days of service of the Summons and Complaint.

3. The following pleadings constitute all of the process, pleadings, and orders received by Liberty in this action to date: the Summons and Complaint, true copies of which are attached as Exhibit A.

4. The State Court Action is a civil action for declaratory relief and damages.

**A. This Court has removal jurisdiction based upon complete diversity of the parties and the requisite amount in controversy.**

5. The State Court Action may be removed to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction under 28 U.S.C. § 1332 based upon the

Bullivant|Houser|Bailey PC

300 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204-2089  
Telephone: 503.228.6351

**NOTICE OF REMOVAL**

**Page 2**

complete diversity between the parties.

6. The controversy between plaintiffs and defendants is a controversy between citizens of different states.

7. Plaintiff Woodgrain Millwork, Inc. is an Oregon corporation and its principal place of business is in Idaho.

8. Plaintiff Windsor Window Company is an Idaho corporation and its principal place of business is in Iowa.

9. Defendant National Union Fire Insurance Company of Pittsburgh, PA (“National Union”) is a Pennsylvania corporation and its principal place of business is New York.

10. Defendant ALEA North American Insurance Company (“ALEA”) is a New York corporation and its principal place of business is Connecticut.

11. Defendant Arch Specialty Insurance Company (“Arch”) is a Missouri corporation and its principal place of business is New Jersey.

12. Defendant Columbia Casualty Company (“Columbia”) is an Illinois corporation and its principal place of business is Illinois.

13. Defendant Hartford Fire Insurance Company (“Hartford”) is a Connecticut corporation and its principal place of business is Connecticut.

14. Defendant Liberty Mutual Insurance Company is a Massachusetts corporation and its principal place of business is Massachusetts.

15. Defendant Safeco Insurance Company of America is a New Hampshire corporation and its principal place of business is Massachusetts.

16. Defendant Starr Indemnity & Liability Company (“Starr”) is a Texas corporation and its principal place of business is New York.

17. Defendant Technology Insurance Company (“TIC”) is a New Hampshire corporation and its principal place of business is Ohio.

18. Defendant Wesco Insurance Company (“Wesco”) is a Delaware corporation and its principal place of business is New Jersey.

19. Defendant Zurich American Insurance Company (“Zurich”) is a New York corporation and its principal place of business is Illinois.

20. Plaintiffs’ Complaint seeks damages in the amount of \$618,924.36. As required by 28 U.S.C. § 1332, the amount in controversy, excluding costs and interest, is in excess of \$75,000.

21. In addition to money damages in the amount of \$618,924.36, Plaintiffs seek declaratory relief regarding the parties’ respective rights and obligations under insurance policies issued to Plaintiffs. This Court has authority under 28 U.S.C. §§ 2201-2202 to declare the rights and legal relations of parties that seek declaratory relief within diversity jurisdiction of the Court.

**B. The other defendants consent to removal of this action to federal court.**

22. All co-defendants consent to this removal. Defendants’ National Union Fire Insurance Company of Pittsburgh, PA, ALEA North American Insurance Company, Arch Specialty Insurance Company, Columbia Casualty Company, Hartford Fire Insurance Company, Starr Indemnity & Liability Company, Technology Insurance Company, Wesco Insurance Company, and Zurich American Insurance Company Consent to Removal is being

filed herewith and a copy is attached as Exhibit B.

**C. Venue.**

23. Venue is proper in the United States District Court for the District of Oregon because Plaintiffs allege in the Complaint that Defendants conducted regular, sustained business in Multnomah County. Pursuant to LR 3-2, the Portland Division is the proper division for filing because it is the division embracing the place where the State Action is pending.

**D. Procedure After Removal.**

24. In accordance with 28 U.S.C. § 1446(d), Liberty will file in the Multnomah County Circuit Court a Notice to Plaintiff and the State Court Clerk of Removal to U.S. District Court, attached to which will be a copy of this Notice of Removal.

25. By filing this Notice of Removal, Liberty does not waive, and expressly reserves, all rights, defenses, or objections of any nature that it may have to Plaintiffs' claims.

DATED: January 17, 2017

BULLIVANT HOUSER BAILEY PC

By /s/ John A. Bennett  
**John A. Bennett**, OSB #750407  
Telephone: 503.228.6351

Attorneys for Defendants Liberty Mutual  
Insurance Co. and Safeco Insurance Company of  
America

4851-2256-9791.1 00183/00884

**Bullivant|Houser|Bailey PC**

300 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204-2089  
Telephone: 503.228.6351

**NOTICE OF REMOVAL**

**Page 5**